

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILFREDO TORRES,

Plaintiff,

v.

NYC HEALTH & HOSPITALS, *et al.*,

Defendants.

USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED:

18-CV-4665 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

In October 2018, Defendant NYC Health and Hospitals (“HHC”) filed a letter motion asking the Court to dismiss the case. Dkt. 13. In April 2019, the Court referred that motion to Magistrate Judge Fox for a Report and Recommendation (“R&R”). Dkt. 19; Dkt. 23. HHC later filed a second motion to dismiss in August 2020. Dkt. 26. On January 7, 2021, the Court issued a memorandum opinion and order granting HHC’s August 2020 motion to dismiss. Dkt. 39. On the same day, Judge Fox filed an R&R recommending that the Court dismiss this action. Dkt. 38. Although 28 U.S.C. § 636(b)(1)(A) allows a party to file an objection to a magistrate judge’s report on a dispositive motion, this statute is inapplicable when a district court judge herself resolves the motion without the benefit of an R&R. Accordingly, the Court will not now entertain Plaintiff’s objection to Judge Fox’s R&R, although it notes that—having reviewed the objection and the R&R—it would have adopted the R&R in full had it not already granted HHC’s motion to dismiss.

SO ORDERED.

Dated: January 19, 2021  
New York, New York



RONNIE ABRAMS  
United States District Judge